IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9733 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RITABEN U GANDHI

Versus

PASSPORT OFFICER

Appearance:

MR CB DASTOOR for Petitioner

MR ANANT S DAVE for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 04/10/2000

ORAL JUDGEMENT

Rule. Mr.A.S.Dave, Learned Additional Standing Counsel for Central Government waives service of rule for respondents.

2. In this petition under Article 226 of the

Constitution, the petitioner has prayed for a writ of mandamus directing the respondents to rectify the error in the passport in respect of petitioner's date of birth as per birth register instead of school leaving certificate.

3. The petitioner while applying for passport gave her date of birth as per School Leaving Certificate and now when she went to the Consulate General of United States on 11.1.2000 for obtaining visa, she was asked to get the date of birth rectified as per the birth register. Hence, the petitioner had requested the respondents for change of date of her birth in passport from 10.4.1959 to 17.11.1960 since the birth certificte issued by the Mumbai Mahanagarpalika (at annexure "B" to the petition) shows that the petitioner was born on 17.11.1960 at Kanchangauri. The said request of the petitioner was turned down by the authorities on the ground that such changes in the passport can be made only under the directions of the Court.

4. Having heard the learned counsel for parties and having regard to the facts and circumstances of the case, the Regional Passport Officer is directed to consider the petitioner's request for change of date of her birth in the passport in accordance with law on the basis of the material which may be placed before the Regional Passport Officer more particularly the birth certificate issued by the Mumbai Mahanagarpalika (at Annexure "B" to the petition) and shall pass appropriate orders within a period of four weeks from the date of receipt of writ of this Court or a certified copy of this judgment, whichever is earlier.

In case the petitioner is required to apply for a fresh passport, the petitioner shall comply with the requisite formalities for the same.

5. The petition is accordingly allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

6. Since the respondents are not responsible for the mistake in question, the petitioner shall pay costs of this petition which are quantified at Rs.1,500/- to the respondents within two weeks from today. Direct Service is permitted.

4.10.2000 (M.S.SHAH,J)